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The Northern Ireland Prison Reform Programme: Progress Made and Challenges Remaining

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Introduction

With the devolution of justice powers to the Northern Ireland Assembly following the Hillsborough Agreement (2010), a commitment was given to conduct an independent review of prison conditions, management and oversight. The findings emerging from this review fed into a significant prison reform programme which was launched in 2011 (Department of Justice Northern Ireland (DOJNI), 2011). This programme was initially envisaged as a four year change programme which sought to ensure that the Northern Ireland Prison Service (NIPS) would become more efficient, compact and focused on reducing offending (DOJNI, 2011). This programme has subsequently developed into a longer term endeavour which builds on and enhances the work started during these four years. While attempts to improve performance and reduce costs are not new, the global financial crisis of 2007-2008 provided a greater impetus for renewing these efforts. The devolution of justice powers to Northern Ireland in 2010 also provided an opportunity for the Northern Ireland government to shape the prison system into one which it felt reflected the “values, attitudes, behaviours that this emerging Northern Ireland needs and wants” (DOJNI, 2011: 3). Moreover, as the prison system has been at the centre of many controversies, it was felt that an independent review may help to improve its legitimacy as well as its performance. The independent review published two reports, one outlining what it perceived to be the main stumbling blocks to reform and a second describing the “characteristics and underlying purpose of a good prison system” (Prison Review Team, 2011a: 7). In the second report, 40 recommendations were put forwarded requiring multi-departmental, inter-agency and cross-party political support. The achievement of these 40 recommendations have been used by many as a barometer to judge the success of the prison reform programme.

This briefing paper seeks to reflect on the reform journey to date. Some of the key achievements and challenges facing the reform programme are outlined, with particular attention paid to some issues that have been debated in recent times. Comparisons with other UK jurisdictions, and research evidence on international prison reform programmes, are also made to better understand and assess the progress of the prison reform programme in Northern

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Ireland. Lastly, some recommendations are put forward regarding the proposed adoption of an outcomes based approach to accountability in this area.

Current Achievements

One of the key ambitions of the prison reform programme in Northern Ireland was to support and strengthen rehabilitation, resettlement and desistance work. This involved NIPS balancing the need to ensure security and good order with a regime which supported and facilitated change. While NIPS has experienced challenges in this regard, overall they have taken a number of substantial steps in enhancing resettlement, rehabilitation and desistance provision. These steps have led the Criminal Justice Inspectorate Northern Ireland (CJINI) to judge performance in this area to have improved from their pre-reform levels across all four prisons in Northern Ireland. NIPS have also sought to encourage more engagement between staff, those imprisoned and their families. In some cases NIPS, in conjunction with outside agencies, have facilitated families in playing a more active role in encouraging and supporting change by keeping families informed about the progress of those imprisoned and offering them an opportunity to be involved in challenging inappropriate behaviour.

The cooperation and engagement between NIPS and outside agencies has also been built on and increased. This has led to a number of innovative approaches being piloted by NIPS and outside agencies in the area of wellbeing, employment, rehabilitation and desistance. Some examples of this work include the transformation of Hydebank Wood into a Secure College, various social enterprise initiatives as well as work programmes with business partners, local communities, the arts and the voluntary/community sector. While this work demonstrates promise, it has not yet been developed to its full potential due to the wider fiscal challenges affecting Northern Ireland, which have in turn limited the ability of NIPS and outside agencies to invest in and expand these initiatives. Nonetheless, this work has led to a number of awards, certificates and recognition of excellence for both staff, those imprisoned and those involved in designing and overseeing these projects. The majority of these initiatives have focused on improving family relationships, employability and/or the education of those imprisoned, in line with the priorities identified in the DOJIN (2013) 'Reducing Offending' and DOJNI (2015a) 'Supporting Change' strategies. There has also been an increased focus on mentoring and enhancing the wellbeing of those imprisoned through a range of formal and informal mechanisms.

In addition, efforts have been ongoing to improve the experience of living and working in Northern Ireland prisons by reconfiguring and developing the prison estate. While some of this work has already begun, other parts remain subject to funding. The reconfiguration and development of the prison estate should help to improve the conditions for both staff and those imprisoned there, by providing better environments designed to increase surveillance, safety and wellbeing, as well as lessen the impact of managing the detention of those seeking to be held in separated conditions. While the recent reduction in the daily average prison population, witnessed during 2015/2016, has helped to ease some of the pressures on the prison estate as well as the provision of services within Northern Ireland prisons, it remains unclear if this reduction is a short-term occurrence or the beginning of a longer term trend. As NIPS are expected to detain those imprisoned by the Courts, NIPS has little control over who or how many people it imprisons. Legislative, policing, prosecution and sentencing decisions play an important role in this regard and, consequently, influence the capacity of NIPS to provide secure, humane conditions for those living and working there. Endeavours within the prison reform programme, and wider criminal justice system following the transfer of justice powers to the Northern Ireland Assembly, have sought to reduce the use of custodial sentences by encouraging the adoption of effective non-custodial options in cases deemed to be suitable and appropriate for such options. Since the reform programme began, these efforts have led to a reduction in the number of young males, females and fine defaulters imprisoned, helping to ease some of the pressures on NIPS, the prison estate and service provision.

Another goal of the prison reform programme was to lessen the costs associated with imprisonment. While NIPS was already attempting to decrease costs prior to the introduction of the reform programme, since its introduction, the cost per prisoner place in 2015/2016 has been reduced by approximately 27 per cent from the cost per prison place in 2009/2010. While this is a substantial reduction, its achievement has brought a number of challenges which continue to effect the reform programme and work in this field.

Ongoing Challenges

In its first report, the independent prison review cautioned that “should the change simply aim to save money: a cheaper service could be a worse service” (Prison Review Team, 2011b: 44). Unfortunately, the level of savings that NIPS have been required to achieve has affected their ability to invest in new strategies and fund rehabilitative and desistance work (DOJNI, 2015b). NIPS has cautioned that this reduction in their resources has negatively impacted on their ability to fund voluntary and community sector initiatives, as recommended in the reform programme (DOJNI, 2015b). In addition, they have warned that further cuts and/or an increase in the prison population may lead to insufficient staff resources, probation and psychological services, as well as a greater number of people spending more time locked in their cells due to a reduced regime (DOJNI, 2015b). Given the requirement to make an additional 4.1 per cent real terms reduction in public service budgets in the coming year, combined with the economic uncertainty surrounding the decision to leave the EU (ITV, 2016), the potential impact of these events on NIPS, service provision, the voluntary and community sector as well as the prison reform programme is worrying.

Another issue facing NIPS and the reform programme is the management of those with severe and enduring mental health problems, personality disorders and those held in separated conditions. Concerns about the facilities available to deal with those with mental health and/or personality disorders are not new, with some concerns expressed as far back as the passing of the Government of Ireland Act 1920 (Ministry of Home Affairs, 1923). Despite efforts to improve the wellbeing of those imprisoned, worries remain about the ability of prisons to cope with those with mental health problems and/or personality disorders (CJNI, 2016; 2015; 2009; Committee for Health, 2016). Questions have been raised about whether such individuals should be held in prison given their needs and the difficulties involved in meeting these needs in a prison environment (CJNI, 2016; 2015; 2009; Committee for Health, 2016). These concerns remain despite the reform programme and the transfer of prison healthcare to the Department of Health (Butler, 2016a; Committee for Health, 2016; Committee for Justice, 2016a). Attempts to resolve these concerns require legislative action, greater inter-departmental cooperation and communication, improved capacity to deal with mental illness (including personality disorder and co-occurring disorders) amongst high risk individuals in healthcare and justice settings as well as an ability and willingness by the Courts to divert such individuals to alternative institutions.

The management of those seeking to be held in separated conditions also poses ongoing challenges. While many may wish to see an end to the separated regime, there are a number of factors that make this difficult. These include: the shape and size of the prison estate; the current fiscal climate; history of imprisoning those linked to Irish Republicanism and Loyalism in separated conditions; as well as the ability of their regime conditions to contribute to the mobilisation of support for such groups, protests, disorder and violence in prison and in communities (Butler, 2016b). The wider political, social and economic conditions giving rise to the demand expressed by those entering prison to be held in separated conditions means that resolving this issue will require action by more than just NIPS and the DOJNI. Indeed, all government departments, political parties and the wider public will need to work together to try to reduce the influence of paramilitary groups within communities and encourage greater political, social and economic integration throughout Northern Ireland. This should help lessen the demand expressed by those entering prison to be held in separated conditions and, therefore, over time negate the need for a separated regime with Northern Ireland prisons (Butler, 2016b).

The first report of the independent review also highlighted a need to improve relationships between prison staff and management, ensure adequate succession planning during times of personnel change, enhance perceptions of leadership and develop a more comprehensive strategy for the provision of healthcare in prison (Prison Review Team, 2011b). While steps have been taken to develop a comprehensive prison healthcare strategy, improve relationships between prison staff, management and the Prison Officers Association, as well as the leadership provided within prisons, there remains scope for building on and strengthening these endeavours. NIPS recognise that more work is required and have listed the development of staff and leadership across all levels of the organisation as a strategic priority for 2016/2017 (NIPS, 2016). Similarly, the South Eastern Health and Social Care Trust (SEHSCT), who have responsibility for overseeing and delivering healthcare in prison, recognise that more work is required in this area and that existing service provision needs to be reviewed (Committee for Health, 2016). Some of the factors affecting work in

this area include an increase in staff turnover, higher than desired sickness levels, ongoing security risks as well as staff retention and recruitment difficulties (Committee for Justice, 2015, 2016a; Committee for Health, 2016). These issues need to be addressed and stabilised as staffing levels, and the approach of staff towards their work, plays an important role in shaping service provision, levels of safety, security, culture, regime conditions and reform efforts.

Moreover, the greater responsibility given to outside agencies to deliver key prison services requires great care to be taken to ensure that the agreements governing these relationships are appropriate, meet the needs of the population and take account of the challenges posed by working in a prison environment. It is also necessary to ensure that these agreements acknowledge how changes implemented by one organisation can affect others and have a substantial impact on the wider culture, regime, working conditions and reform efforts. For this reason, these arrangements should require cooperation, consultation and effective collaboration between all relevant organisations. They should also consult with staff and those imprisoned with direct experience of how these agreements are operationalised in practice. The division of responsibilities among the different organisations should be clear and regularly monitored, ensuring staff understand their duties and all are appropriately held to account for their performance. Confusions and misunderstanding surrounding these arrangements can have potentially very serious consequences, as was recently highlighted in a Prisoner Ombudsman for Northern Ireland (2016) report. Consequently, there is a need to review these arrangements, clearly communicate the terms of these arrangements directly to all concerned and ensure that these arrangements are monitored and enforced.

The greater use of data to assess levels of need, service provision and performance can help to monitor these arrangements as well as inform their parameters and facilitate an outcomes based approach to accountability. The use of data can also provide useful insights into topics that have been the object of debate due to their perceived impact on the prison service and the Northern Ireland prison reform programme.

Using Data to Inform Debate

There has been much debate in recent times about the level of violence in NIPS and its possible link to staffing levels. While this debate has drawn on officially recorded figures, these figures have not always been adjusted to take account of the number of people imprisoned. This is important as it would be unsurprising to see the number of assaults in prison increase/decrease as the number of people imprisoned increased/decreased. Using data which has been adjusted to take account of the prison population can allow for a more in-depth assessment of performance as well as facilitate comparisons over time and between jurisdictions.

A common measure used to take account of the size of the prison population is the rate per 1,000 people imprisoned. This method of analysis provides a figure for how common an event is for every 1,000 people imprisoned. For example, if Northern Ireland reports a prisoner-on-prisoner assault rate per 1,000 people imprisoned of 65, this means that for every 1,000 people imprisoned, 65 prisoner-on-prisoner assaults are recorded. This figure can then be compared across time and jurisdictions to assess whether prisoner-on-prisoner violence is more or less common in Northern Ireland compared to elsewhere or if this rate of prisoner-on-prisoner assault has changed over time.

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Examining the rate of prisoner-on-prisoner assaults per 1,000 people imprisoned reveals that even when the prison population is controlled for, Northern Ireland has seen an increase in violence from 2009/2010 (see Figure 1). Nevertheless, levels remain below or similar to those reported in Scotland and England and Wales. Staffing levels alone do not appear to be able to explain these changes. Between 2009/2010 and 2011/2012, the prisoner assault rate doubled in Northern Ireland when the average number of uniformed staff employed by NIPS had decreased by 6 per cent. By 2015/2016, the number of uniformed staff employed by NIPS had decreased by 20 per cent but a corresponding increase in the prisoner-on-prisoner assault rate was not observed. This suggests that a range of factors have contributed to this increase in prisoner-on-prisoner assaults.

Figure 1: Prisoner-on-Prisoner Assaults

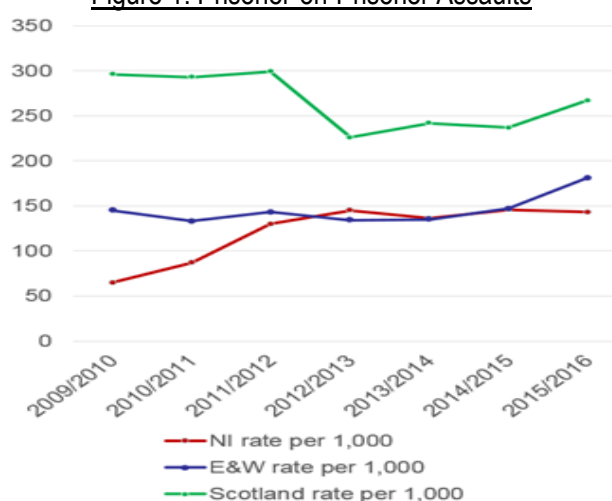
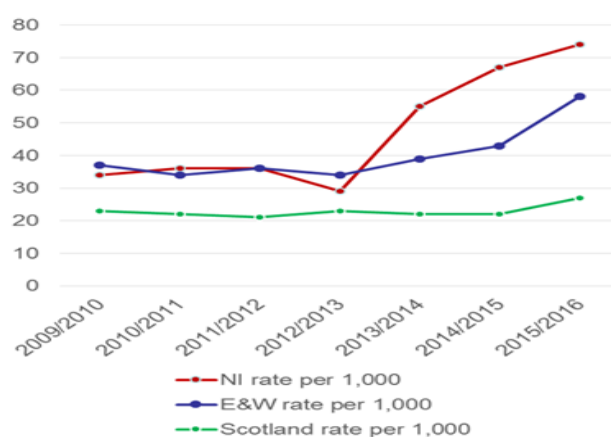


Figure 2: Prisoner-on-Staff Assaults



Similarly, NIPS has seen a rise in the number of prisoner-on-staff assaults occurring between 2009/2010 and 2015/2016, at a higher rate than in Scotland or England and Wales (see Figure 2). However, as with prisoner-on-prisoner assaults, staffing levels alone seem to be unable to explain this increase. The lowest rate of prisoner-on-staff assaults were reported during 2012/2013, when uniformed staffing levels had reduced by 18 per cent from their 2009/2010 levels. During 2013/2014, new staff were employed by NIPS and staffing levels rose by an additional 191 uniformed officers. Yet, it was during this time that the prisoner-on-staff assault rate almost doubled. This again suggests that a range of factors have contributed to this increase.

When reviewing the rate of deaths in custody per 1,000 people imprisoned, it seems that Northern Ireland experiences greater fluctuation on this measure compared to England and Wales or Scotland (see Table 1). While the rate of deaths in custody in England and Wales and Scotland appear to be reasonably stable and slowly increasing, Northern Ireland seems to be less stable, experiencing more variability from year to year. Nonetheless, when comparing the average rate for each jurisdiction over the seven year timeframe, there is little difference between the jurisdictions (see Table 1). It therefore seems that while Northern Ireland can experience more peaks and lows in the number of deaths occurring in custody, its performance over time is similar to, if not slightly lower, than the other jurisdictions.

Table 1: Deaths in Custody

Year	Northern Ireland	England & Wales*	Scotland*
2009/2010	0.7	2.1	2.6
2010/2011	2.0	2.4	2.0
2011/2012	3.5	2.2	2.8
2012/2013	4.5	2.3	2.6
2013/2014	1.6	2.7	3.1
2014/2015	1.7	2.9	3.1
2015/2016	1.3	3.8	3.1
Average	2.2	2.6	2.8

* These figures refer to calendar year rather than the financial year

Research indicates that a range of factors influence the level of violence and deaths experienced in prison. These include staffing levels, staff training and skillsets, surveillance levels, prison design and estate size, prison regime, presence of drugs and/or prescription medication, individual characteristics (e.g. mental health problems, substance misuse issues, poor coping, anger management difficulties, age, gender, etc.), availability of treatment and rehabilitation services as well as issues from outside the prison (e.g. contact with loved ones, family problems, vendettas, disputes, etc.). It is usually a combination of these factors that contribute to changes in the rate of violence or deaths occurring in prison. For instance, reduced staffing levels combined with overcrowding, the age, gender and characteristics of those detained, the characteristics of staff, staff training, experience and approach to their work, limited surveillance, unsuitable prison buildings, a poor regime, reduced contact with loved ones, insufficient mental health and addiction services as well as the presence of drugs and diverted medication can lead to an increase in the rate of violence and/or deaths occurring in custody.

International Prison Reform Programmes

International research on prison reform programmes suggests that reforms can sometimes lead to temporary periods of decreased performance and demoralisation as those imprisoned, staff and organisations adapt to the changes emerging from these reforms (Jacobs, 1977; Piacentini, 2004; Piacentini & Slade, 2015; Slade, 2013). This is referred to as the 'paradox of reform' and can last until a new equilibrium and predictability of regime is found (Crouch & Marquart, 1990; Engel & Rothman, 1983). In Northern Ireland, the move away from a regime which could at times be overly restrictive to one encouraging more purposeful activity, rehabilitation and desistance may have had the unintended consequence of providing further opportunities for assaults to occur, as people are out of their cells more and engaging with others. While this is beneficial for wellbeing and delivering a humane regime focused on rehabilitation, desistance and resettlement, it also provides more potential opportunities for misbehaviour to occur. However, as individuals engage with more rehabilitative, desistance or resettlement services, they should become less inclined to behave this way. Likewise, changes to staffing can temporarily decrease the ability of staff to prevent violence occurring as they seek to adapt to revised staffing arrangements and new staff perfect their skills at assessing and de-escalating potentially confrontational situations. These challenges are in addition to the difficulties involved in maintaining order, security and humane conditions during a time of reduced resources and when just over 75 per cent of the prison population in Northern Ireland report problems with mental health and/or addiction (Sugden, 2016).

Philsbury (1989) argues that prison reforms are unlikely to result in their intended outcomes if they fail to recognise and address the cost of reforms, the limitations of existing prison institutions (e.g. their design, size, nature of the prison estate, etc.), the political reality of imprisonment, institutional interests or the experience of those working in prison. He states that those seeking to reform prisons "must recognize that no penal system, however just, will survive long if it is too expensive, too inefficient, or appears too soft on criminals" (Philsbury, 1989: 776). He also claims that institutional interests and the experience of those working in prison are often relegated to "a quiet but subversive role" in the reform process (Philsbury, 1989: 776). According to Philsbury (1989), these issues need to be engaged and debated in an open, honest and robust manner in order to prevent reform efforts from being frustrated.

Indeed, such concerns can become more relevant when reforms are undertaken in a jurisdiction which has experienced conflict or is transitioning between different political systems. There is a tendency when undertaking reforms to view the process of managing and implementing change as a universal process rather than one which is specific to a particular organisation and/or context. This can result in the unique features of a particular organisation/context being downplayed and how these features may affect reform efforts being underestimated. This can be especially evident in prison reform programmes in states emerging from conflict and/or transitioning between different political systems. Such states can be encouraged to adopt practices, processes and ideologies from other jurisdictions which may not be culturally applicable to their particular state or feasible given the resources available to them or condition of their prisons (Aitchison, 2010; Jefferson, 2005, 2007; Murdoch, 2015; Piacentini, 2004, 2006; Piacentini & Slade, 2015). Studies suggest that attempts to transplant reform programmes from one jurisdiction to another, without taking account of the specific features of that jurisdiction and/or prison service, can hinder reform efforts (Aitchison, 2010; Jefferson, 2005, 2007; Murdoch, 2015; Piacentini, 2004, 2006; Piacentini & Slade, 2015;

Slade, 2013). Furthermore, in some cases it can contribute to resistance and/or a lack of local 'buy in' to reforms due to a perception of 'outsiders' illegitimately labelling their prison system and/or staff as 'deviant' and imposing unsuitable views and practices on their prisons/staff (Aitchison, 2010; Jefferson, 2005, 2007; Murdoch, 2015; Piacentini, 2004, 2006; Piacentini & Slade, 2015; Slade, 2013).

Echoes of such concerns can be found in the Northern Ireland prison reform programme, especially during the earlier stages of the reform process (Committee for Justice, 2012, 2013, 2014, 2016b).

Recommendations

Given the proposed intention by the Northern Ireland government to move towards an outcomes based model of accountability, there are a number of recommendations that can be put forward based on the evidence reviewed in this briefing paper. These include:

1. Consider including outcomes focused on communication, consultation and engagement with people who are imprisoned and working in prisons so that their experiences of how existing practices are operationalised and utilised 'on the ground' are considered and acted on.
2. Appreciate how fiscal challenges restrict reform efforts and limit what organisations and staff can realistically achieve within the resources available to them and given the complexity of needs they deal with.
3. Allow time for the 'paradox of reform' effects to be overcome. There needs to be an awareness that sometimes reforms take time to become embedded and until this occurs, performance can be disrupted. Attempts to measure the effects of new reforms/endeavours should take this into consideration when judging performance.
4. Ensure outcomes for the different organisations involved in providing services in prison are complimentary, compatible with the overall aims of the reform programme and promote interagency cooperation and efficiency.
5. Outcomes used to measure the performance of an organisation should be within the control of that organisation. For example, using re-offending rates to judge the performance of prison may not be appropriate as re-offending is not just linked to a person's experience while imprisoned but also events that occur when a person is released back into the community. These events can be beyond the control of the prison (e.g. stigma, unmet accommodation, employment, healthcare needs, etc.). Measures that are within the control of the prison and predict re-offending may instead provide a more useful measure of prison rehabilitation.
6. Data used to measure performance should be adjusted to take account of the prison population and facilitate comparisons across time and with other jurisdictions.
7. There is a need to consider the use of qualitative measures in addition to quantitative measures so that a fuller picture of the experiences of people and the performance of organisations is captured.
8. Lastly, it is important to carefully consider what outcomes are used as research indicates that what gets measured gets done, sometimes at the expense of key activities which are not linked to specific outcomes.

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